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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DANNIE RAY HILLHOUSE,

12 Petitioner,

13 vs.

14 ROBERT K. WONG, JR.,

15 Respondent.
16 _____/

No. CIV S-03-0142-MCE-CMK

DEATH PENALTY CASE

ORDER

17 Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254.

19 It appears to the court that this case is about to enter Phase III. It is therefore
20 appropriate to set a case management conference, a deadline for the answer to be filed, and a
21 deadline for a new proposed budget. The parties may appear at the case management conference
22 telephonically.

23 At the Phase III case management conference, the court will address briefing on
24 the merits of the remaining claims presented in the amended petition. Merits briefing entails
25 submission by both parties of comprehensive memoranda of points and authorities addressing the
26 remaining claims. In preparation for the case management conference, the parties should

1 consider whether the merits of any of the remaining claims can be resolved on the existing record
2 without the need for fact development. The court will also address briefing on any motions for
3 further factual development (i.e., discovery, record expansion, evidentiary hearing). The parties
4 will be required to file case management conference statements addressing the above issues.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Respondent shall file an answer to the first amended petition (Doc. 42) on
7 or before June 11, 2010;

8 2. Petitioner shall file, under seal, a proposed Phase III budget on or before
9 May 14, 2010;

10 3. A case management conference is set for July 15, 2010, at 10:00 a.m.
11 before the undersigned in Redding, California;

12 4. Case management conference statements shall be filed with the court on or
13 before July 8, 2010; and

14 5. An ex parte budget conference between the court and Petitioner's counsel
15 will follow the case management conference on July 15, 2010.

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17 DATED: April 21, 2010

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19 **CRAIG M. KELLISON**
20 UNITED STATES MAGISTRATE JUDGE
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